

CURRICULUM VITAE OF STEVEN P. GREGORY

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Steven P. Gregory began his legal career in 1991. From 1991 to 1998, Mr. Gregory practiced law with a Birmingham, Alabama, firm, concentrating in securities matters and class actions. In 1998, Mr. Gregory co-founded a law firm in Tuscaloosa, Alabama. He founded his present law firm, the Gregory Law Firm, P.C., in 2004.

Mr. Gregory has practiced in the areas of class, derivative, securities litigation and arbitration, aviation, antitrust, products liability, and other complex litigation. Mr. Gregory maintains a civil trial and appellate practice in state and federal courts.

An experienced arbitrator and mediator, Mr. Gregory is a member of the American Arbitration Association panel of commercial arbitrators and the panel of arbitrators for the Financial Regulatory Authority ("FINRA") (formerly the National Association of Securities Dealers, Inc. ("NASD")) and has chaired numerous FINRA arbitration panels. Mr. Gregory is also a member of the FINRA roster of mediators. In addition, he has mediated employment disputes for the United States Equal Employment Opportunity Commission. Mr. Gregory is also a member of the panel of neutrals for the United States District Court for the Northern District of Alabama. Mr. Gregory is registered on both the roster of arbitrators and the panel of mediators maintained by the Alabama State Bar and the roster of appellate mediators maintained by the Alabama appellate courts.

In 1975 and 1982, respectively, Steven Gregory earned the Bachelor of Arts (English) and Master of Fine Arts (creative writing) degrees from the University of Alabama. Mr. Gregory received his law degree from the University of Alabama School of Law in 1991. There he was a member of Bench and Bar, was named Outstanding First Year Advocate by the Moot Court Board, and served for two years on the editorial board of the Alabama Law Review. Mr. Gregory also earned American Jurisprudence awards for best paper in Remedies II and International Business Transactions.

Prior to attending law school, Mr. Gregory worked as a registered representative in the securities industry, focusing on investments in high-grade common stocks and taxable and tax-exempt debt securities for both retail and institutional clients. Mr. Gregory held Series 7 and Series 63 licenses as well as life insurance and variable annuity licenses.

Mr. Gregory is the author of "*Beesley v. Hartford Fire Insurance Company*, *Walton v. Cowin Equipment Co., Inc.*, and *Walker v. Anderson Electrical Connectors*: Jury Trials in Ti-

tle VII Actions?" 42 Ala. L. Rev. 1389 (Spring 1991) and has presented a paper on consumer class actions at a symposium sponsored by the Center for International Legal Studies in Salzburg, Austria, where he remains a member of the Congress of Fellows. Mr. Gregory has also written numerous op-ed articles for Alabama newspapers. Mr. Gregory is also the author of the novel *Cold Winter Rain* and a short story collection, *A Summer Dream and Other Stories*.

Steven Gregory is admitted to practice in the Alabama state courts, all federal courts in Alabama, the United States District Court for the Eastern District of Michigan, and the Eleventh Circuit Court of Appeals. He has been admitted on a *pro hac vice* basis to practice in federal courts in a number of other jurisdictions, and has appeared and presented oral argument on several occasions before the Judicial Panel on Multidistrict Litigation. Mr. Gregory holds the AV-preeminent rating from Martindale-Hubbell, is listed in the Marquis Who's Who in American Law, and has been named a lifetime member of the Multi Million Dollar Advocates Forum.

Mr. Gregory is a member of the Birmingham Bar Association (Collaborative Law Committee), the Alabama State Bar, and the American Bar Association (Section of Litigation; Section of Dispute Resolution (Collaborative Law Committee, Securities Committee; Class Actions Committee). He is a former member of the board of directors of Indian Rivers Mental Health Center, a non-profit agency providing mental health services in west Alabama, and is a volunteer attorney for the International Refugee Assistance Project, a non-profit immigrant advocacy organization in New York.

Litigation

The following is a representative sampling of litigation matters in which Mr. Gregory has appeared:

A. Reported Cases

Scrushy v. Tucker, et al., 70 So.3d 289 (Ala. 2011);

Tucker, et al. v. Richard M. Scrushy Charitable Foundation, Inc., 93 So.3d 83 (2012).

Blake v. American Family Care, Inc., 599 So. 2d 5 (Ala. 1992) (represented plaintiff/counterdefendant).

Denson, et al. v. Bear, Stearns, et al., 682 So.2d 69 (Ala. 1996) (represented defendants/ appellees).

Abbott Laboratories, Inc. v. Durrett, 746 So.2d 316 (Ala. 1999) (represented plaintiff/ appellee in antitrust case).

Money in a Flash Check Advance, LLC v. Wright, 795 So. 2d 629 (Ala. 2000) (represented appellee plaintiff in payday lending case).

Alabama Catalog Sales v. Harris, 794 So. 2d 312 (Ala. 2000) (represented amicus curia Alabama Arise).

Ex Parte Warrior Lighthouse, Inc., 789 So.2d 858 (Ala. 2001) (represented plaintiff in petition for writ of mandamus; writ granted).

Freeman v. DuPont Pharmaceuticals Co., 790 So. 2d 248 (Ala. 2001) (represented appellant plaintiff in antitrust action).

Leonard v. Terminix International Co., L.P., 854 So. 2d 529 (Ala. 2002) (represented amicus curia Alabama Arise).

J.C. Bradford & Co., L.L.C. v. Vick, 837 So.2d 271 (Ala. 2002) (represented individual defendant appellant).

Anders v. Hometown Mortgage Services, Inc., 346 F.3d 1024 (11th Cir. 2003) (represented plaintiff/appellant).

Austin v. Alabama Checkcashers Association, 936 So. 2d 1014 (Ala. 2005) (represented amicus curia Alabama Arise).

B. Class and Derivative Actions

In re America Online Spin-Off Accounts Litigation, MDL 1581 (United States District Court for the Central District of California). Settled. Mr. Gregory counsel for plaintiff in *Spencer v. America Online, Inc.*, transferred and consolidated by the Judicial Panel on Multi-district Litigation. Nationwide class action on behalf of persons allegedly double-charged for internet services.

In re Healthsouth Derivative Litigation (United States District Court for the Northern District of Alabama; Circuit Court of Jefferson County, Alabama; Delaware Chancery Court). Pending. Coordinated derivative actions against former management and other defendants; Mr. Gregory appointed liaison counsel for derivative plaintiffs. Summary judgment awarded in Delaware Chancery Court to derivative plaintiff and against defendant Richard M. Scrushy regarding “buyback” of loan from Company; affirmed on appeal to Delaware Supreme Court. See “Delaware Court Orders Healthsouth ex-CEO to pay Co. \$25 M,” *The Wall Street Journal*, April 16, 2004. Summary judgment awarded in Jefferson County Circuit Court against Defendant Scrushy with regard to paid but unearned bonuses, and affirmed on appeal to the Alabama Supreme Court. See *Scrushy v. Tucker*, 955 So. 2d 988 (Ala. 2006).

Plaintiffs settled with officers and directors who were not criminally charged. Plaintiffs achieved \$2.87 billion judgment in trial against Richard M. Scrushy.

Fowler, et al. v. City of Tuscaloosa, Circuit Court, Tuscaloosa County, Alabama, Case No. CV-2003-1572. Settled. Class action on behalf of 19 and 20-year-old citizens ticketed under city's "Minor in Lounge" ordinance. Plaintiffs alleged the ordinance violated Alabama law and Alabama Constitution of 1901. Under settlement, class members' convictions will be expunged.

Standifer v. Franklin Collection Services, Inc., United States District Court for the Northern District of Alabama, CASE NO. CV02-HGD-0446-W. Settled. Class action under Fair Debt Collection Practices Act and Truth in Lending Act on behalf of persons who entered into debt consolidation agreements with defendant wherein the agreements violated the Truth-in-Lending Act, 15 U.S.C. § 1601 *et seq.*, and Regulation Z, 12 C.F.R. 226 *et seq.*, by failing to correctly disclose amount financed, failing to itemize amount financed, failing to correctly disclose finance charge, and/or failing to disclose APR.

Brown v. Creditline, Inc. (United States District Court for the Northern District of Alabama.) (settled) (counsel for nationwide class of customers of "credit repair" service in which plaintiffs allege, *inter alia*, violations of the Credit Repair Organizations Act).

Little v. Debtco, Inc., et al. (United States District Court for the Northern District of Alabama.) (settled) (Plaintiffs alleged violations of the Credit Repair Organizations Act and unlicensed practice of law).

Orlando's Bakery and Ingredients for Bakers v. Nutrinova Nutrition Specialties & Food Ingredients, GmbH; and Eastman Chemical Company (Chancery Court, Davidson County, Tennessee) (settled). Counsel in price-fixing class action against manufacturers of sorbates, a class of chemical food preservatives, on behalf of food preparation companies and other users of sorbates. See companion criminal antitrust case, *United States of America v. Eastman Chemical Company*, No. CR 98-00302-SI (N.D. Ca. 1998).

Middle Tennessee Teamsters Trust Fund and Arkansas Carpenters Health and Welfare Fund v. Mylan Laboratories, Inc. (Chancery Court, Davidson County, Tennessee, Case No. 98-3833-II). Counsel for nationwide class of third-party payors in monopolization case against major generic drug maker and co-conspirators. Settled. See related article: "Mylan Labs May Face Antitrust Charges Over Price Increases on Generic Drugs", *The Wall Street Journal*, December 7, 1998.

Wilson v. Toys 'R' Us, Inc. (Circuit Court, Tuscaloosa County, Alabama) (class counsel for class of Alabama purchasers of toy products; plaintiffs alleged vertical monopolization horizontal conspiracy to create monopoly and artificially raise prices to class members) (case settled as part of nationwide mediated settlement). See related articles: "Agency Hits

Retailer's Tactics With Suppliers," *The Washington Post*, May 23, 1996; "Toys 'R' Us Inc. Warned Manufacturers on Sales to Warehouse Club Discounters," *The Wall Street Journal*, March 6, 1997; "Hearing Begins on Restraint of Trade in Toy Industry," *The New York Times*, March 6, 1997.

Hynes v. The Enstar Group, Inc., Richard Grassgreen et al., CV 90-T-1294-N (M.D. Ala.) (Securities) (Class action filed on behalf of purchasers of publicly sold Enstar stock alleging the stock price was artificially inflated as a result of defendants' failure to disclose kickbacks from Drexel Burnham Lambert, Inc., and Michael Milken given to officers of the company to induce them to purchase for Enstar junk bonds underwritten by Drexel, which thereby would create the appearance of a market in such bonds and permit Drexel and Milken to manipulate the price of such bonds; see numerous published articles re same; settled for over \$19 million).

Ayers v. Sutliffe (First Humanics litigation), C.1-90-650 and *Randolph County Fed. Sav. & Loan v. Sutliffe*, (S.D. Ohio) (Securities) (21 plaintiff class actions brought on behalf of approximately 4,000 purchasers of 21 separate municipal bonds issued over a 3-1/2 year period to finance the acquisition of 21 existing nursing homes; jury verdict against Deloitte & Touche accounting firm and other defendants after seven week trial for twelve counts each of securities fraud, RICO and common law fraud; one of the first cases in the United States to use novel "paperless trial" techniques to display all documentary exhibits, all deposition transcripts, and all videotaped testimony and evidence, on computers and large screens throughout the courtroom; settled after the Deloitte & Touche trial with all defendants, including Price Waterhouse, for over \$46 million; See published opinions at *Randolph County Federal S&L v. Sutliffe*, [Current Transfer Binder] Fed.Sec.L.Rep. ¶ 96,548 (S.D. Ohio 1991) and *Ayers v. Sutliffe*, [Current Transfer Binder] Fed.Sec.L.Rep. ¶ 96,552 (S.D. Ohio 1992); See "Reach for the Sky," *Forbes*, (August 17, 1992). See also numerous articles reported in the *Kansas City Business Journal* and *The Bond Buyer*; see also related magazine article, "Money Helps," *Money* April 1992).

Morton v. Cyber Services, Technology, L.L.C. (Circuit Court of Tuscaloosa County, Alabama)(pending) (counsel for class of customers of "payday loan" businesses in Tuscaloosa County) (arbitration ruling allowing class arbitration to proceed on appeal to Alabama Supreme Court).

Higginbotham v. Cash4U.net, LLC (Circuit Court of Tuscaloosa County, Alabama) (settled) (counsel for class of customers of "payday loan" businesses in Tuscaloosa County). *Wright, et al. v. Cash King, Inc., et al.*, (Circuit Court of Tuscaloosa County, Alabama)(settled) (counsel for class of customers of "payday loan" businesses in Tuscaloosa County) CV-1999-418.

Colburn v. Alternative Financial Solutions, Inc., et al., (Circuit Court of Tuscaloosa County, Alabama) (counsel for class of customers of “payday loan” businesses in Tuscaloosa County; settled) CV-2000-1309.

Carter, et al. v. ICR Services, Inc. (United States District Court for the Northern District of Alabama.) (settled) (counsel for certified nationwide class of customers of “credit repair” service in which plaintiffs allege, *inter alia*, violations of the Credit Repair Organizations Act).

Kernop, et al. v. Fisher Price, Inc., CV 98-C-2700-W, Northern District of Alabama. Co-counsel for plaintiffs in pending products liability class action on behalf of class of consumer purchasers of Power Wheels toys (settled). See related articles: “Fire Hazard Spurs Recall of Millions of Ride-on Toys,” *The Washington Post*, October 22, 1998; “Mattel to Recall Power Wheel Toys; Charge Pulls Down Earnings by 8.8%”, *The Wall Street Journal*, October 23, 1998.

Dice v. America Online, Inc., CV 97-C-0146-W (N.D. Ala.) (Consumer fraud) (settled consumer action for fraud, unjust enrichment, breach of contract). See related articles: “America Online Failed to Publicize Access Option,” *The New York Times*, February 10, 1997; “New York Threatens to Sue America Online,” *The New York Times*, January 25, 1997; “Many Users Not Satisfied With AOL’s Contrition,” January 31, 1997; “Heaviest AOL Users Are Left in Cold by Refund Settlement,” *The Wall Street Journal*, January 31, 1997; “AOL Hit With More Class-Action Suits,” *The New York Times*, January 16, 1997.

C. Alternative Dispute Resolution

I. Arbitration

a. As Advocate

Morton, et al. v. Cyber Services, Technology, L.L.C. (Circuit Court of Tuscaloosa County, Alabama) (American Arbitration Association) (settled) (counsel for class of customers of “payday loan” businesses in Tuscaloosa County) (stayed pending outcome of appeals in related litigation). Issue of legality of contract containing arbitration for one plaintiff referred to arbitration; arbitrator determined contract unlawful in violation of Alabama Small Loan Act. Issue of availability of class arbitration decided in arbitration in favor of other plaintiff; decision on appeal to Alabama Supreme Court.

Barnes v. Trilegiant, Inc., et al. (American Arbitration Association) (counsel for nationwide class of consumers in which plaintiffs allege, *inter alia*, violations of the Credit Repair Organizations Act).

Shaddy v. UBS Painewebber, IJL Wachovia, Inc., and Cindy Russell, NASD Arb. No. 01-03586 (Churning, fraud, and breach of fiduciary duty claim, on behalf of investor).

Eurice O. and Glenda F. Adcock v. Dean Witter Reynolds, Inc., et al., NASD Arb. No. 94-01535 (settled for confidential sum) (Represent public customer in arbitration involving claims of misrepresentation and breach of fiduciary duty).

Caldwell v. Smith Barney Shearson, Inc., NASD Arb. No. 94-04343 (settled for confidential sum) (Represented public commodities customer in arbitration involving claims of misrepresentation, fraud, breach of fiduciary duty, and violations of the Commodity Exchange Act).

1st Bank & Trust of Grove Hill, Alabama v. Prudential Securities, Inc., NASD Arb. No. 94-04252 (settled) (Represented small bank in arbitration involving claims of misrepresentation and omissions, breach of fiduciary duty, and violations of the Securities Exchange Act of 1934 and of the Alabama Securities Act with respect to the recommendation and sale of collateralized mortgage obligations).

Sanders v. Joseph Roberts & Co., Inc., NASD Arb. No. 95-03172 (Counsel for plaintiff in fraud and breach of fiduciary duty case; settled for confidential sum).

Kimberley W. Thornton v. Merrill Lynch, Pierce, Fenner & Smith, and Randall J. Battiste, NASD Arb. No. 92-01524 (Defended individual broker in arbitration involving claims of unsuitability and churning; after three-day hearing, panel found broker not liable and taxed costs against claimant).

Cornelia W. Watson v. Prudential Securities, Inc. and Mark Samples, NASD Arb. No. 95-02452 (Counsel for plaintiff in mutual fund, bond churning and fraud case; settled for confidential sum).

Gayle Poplin v. Prudential Securities, Inc., and Mark Samples, NASD Arb. No. 95-02458 (Counsel for plaintiff in mutual fund churning, unsuitability, fraud case; settled for confidential sum).

Hale, et al. v. Merrill Lynch, Pierce, Fenner & Smith, Inc., NASD Arb. No. 95-05754 (settled) (Counsel for claimants in multi-claimant arbitration regarding misrepresentations regarding mutual fund transactions).

Vick et al. v. UBS Paine Webber, Inc., et al., NASD Arb. No. 02-05254 (Counsel for individual Respondent).

b. As Arbitrator

Spencer v. World Invest Corporation, NASD Arb. No. 96-01432.

Donnelly v. Lew Lieberbaum & Associates, NASD Arb. No. 96-01969.

D'Amato v. D.L. Cromwell Investments, Inc., et al., NASD Arb. No. 97-04661.

Savage v. Fairchild Financial Group, Inc. f/k/a VTR Capital, Inc., et al., NASD Arb. No. 98-00582.

Morgan Keegan & Co. v. Wes Scott Realty, NASD Arb. No. 98-01503.

Jennings v. National Securities Corporation, et al., NASD Arb. No. 99-02055.

Minetree v. Suntrust Securities, Inc., et al., NASD Arb. No. 99-04813.

Jennings v. National Securities Corporation, et al., NASD Arb. No. 99-02055.

Moses v. A.G. Edwards & Sons, Inc., NASD Arb. No. 01-05772.

Goodwin v. Player, et al., NASD Arb. No. 01-01553.

Baughman v. Western International Securities, Inc., et al., NASD Arb. No. 01-05110.

Baughman v. Western International Securities, Inc., et al., NASD Arb. No. 01-05110.

Samples v. Washington Square Securities, Inc., et al., NASD Arb. No. 02-05123.

Higgins v. Fahnestock, Inc., et al., NASD Arb. No. 02-06856.

Higgins v. Fahnestock, Inc., et al., NASD Arb. No. 02-06856.

Agel v. Salomon Smith Barney, Inc. s/d/b/a Robinson Humphrey, NASD Arb. No. 02-02121.

Collier v. Barrett, et al., NASD Arb. No. 02-02121.

Samples v. Washington Square Securities, Inc., et al., NASD Arb. No. 02-05123.

Emerson v. Citigroup Global Markets, Inc., NASD Arb. No. 03-07233.

Barna v. TD Waterhouse Investor Services, Inc., NASD Arb. No. 03-00517.

Emerson v. Citigroup Global Markets, Inc., NASD Arb. No. 03-07233.

Barna v. TD Waterhouse Investor Services, Inc., NASD Arb. No. 03-00517.

Warren v. Citigroup Global Markets, Inc., et al., NASD Arb. No. 04-02306.

Cole v. Citigroup Global Markets, Inc., et al., NASD Arb. No. 04-04606.

Hale v. J.J.B Hilliard, W.L. Lyons, Inc., NASD Arb. No. 04-07669.

Warren v. Citigroup Global Markets, Inc., et al., NASD Arb. No. 04-02306.

Cole v. Citigroup Global Markets, Inc., et al., NASD Arb. No. 04-04606.

Griffin v. ING Financial Partners, Inc., as successor to Washington Square Securities, et al., NASD Arb. No. 04-00927.

Brodoff v. Hampshire Securities Corporation et al., NASD Arb. No. 05-05110.

Brazelton v. Edward D. Jones & Company, LP, NASD Arb. No. 05-02708.

Miller, et al. v. Avalon Investment & Securities Group, Inc., et al., NASD Arb. No. 06-00112.

Raymond S. Marine vs. TD Ameritrade, Inc., FINRA Arb. No. 07-01442.

II. Mediation

a. As Advocate

Fowler, et al. v. City of Tuscaloosa, Circuit Court, Tuscaloosa County, Alabama, Case No. CV-2003-1572. Settled. Class action on behalf of 19 and 20-year-old citizens ticketed under city's "Minor in Lounge" ordinance. Plaintiffs alleged the ordinance violated Alabama law and Alabama Constitution of 1901. Settled through mediation. Under settlement, class members' convictions will be expunged.

Patel v. Prime Charter, Ltd., et al. (United States District Court for the Northern District of Alabama, CV-99-C-3392-W). Churning, fraud, and breach of fiduciary duty on behalf of investor-client against securities firm and individual broker; settled through mediation.

Caldwell v. Smith Barney Shearson, Inc., NASD Arbitration No. 94-04343 (settled for confidential sum) (Represented public commodities customer in arbitration involving claims of misrepresentation, fraud, breach of fiduciary duty, and violations of the Commodity Exchange Act).

Scivley v. Watson, et al., CV 92-9315 (Circuit Court of Jefferson County, Alabama) (represented plaintiff in minority shareholder oppression suit alleging, *inter alia*, breach of fiduciary duty, fraud, minority shareholder oppression, usurpation of corporate opportunity; settled through mediation for confidential sum).

Walker v. Buttonwood Securities, Inc., et al. (Circuit Court of Madison County, Alabama (represented defendant securities broker-dealer in customer dispute; settled for confidential sum).

Numerous other matters.

b. As Mediator

Martin v. City of Scottsboro Police Dept. (Employment discrimination before the Equal Employment Opportunity Commission).

Ford v. Reynolds Metal Company (Employment discrimination before the Equal Employment Opportunity Commission).

Hertzog v. Jim Walter Resources (Employment discrimination before the Equal Employment Opportunity Commission).

Watkins v. Doane Pet Care (Employment discrimination before the Equal Employment Opportunity Commission).

Honeycutt v. Skilstaf, Inc. (Employment discrimination before the Equal Employment Opportunity Commission).

Darshanon v. Department of Human Resources (United States District Court for the Northern District of Alabama; CV-99-N-0149-W; Employment discrimination).

Nash v. Greenwood (Employment discrimination before the Equal Employment Opportunity Commission).

D. Other Securities Litigation

Patel v. Prime Charter, Ltd., et al. (United States District Court for the Northern District of Alabama, CV-99-C-3392-W) (Churning, fraud, and breach of fiduciary duty on behalf of investor-client against securities firm and individual broker; settled through mediation).

The Employees Retirement System Of Alabama, et al. v. The May Department Stores Company, (Circuit Court of Montgomery County, Alabama, Case No. CV92-2726-R) (Action on behalf of a group of institutional holders of over \$240 million of debentures

(including the Alabama Retirement Systems and the California Public Employee Retirement System and the New York State Common Retirement Fund and similar funds of the States of Washington and Montana, as well as insurance companies, mutual funds and other investors) for wrongful redemption; See "Corporate Issuers Use Bluff-and-Threat Call Gambit," *The Wall Street Journal*, November 2, 1992; "May Stores Named in Suit on Bond Calls," *The Wall Street Journal*, December 15, 1992; "STACKed Deck -- Bondholders Get Tough Over Tender Deal," by Benjamin J. Stein, *Barron's*, June 21, 1993 at pp. 14-15; "STACing the Deck on Bondholders," *Corporate Finance*, June 1993, at pp. 26-29; and numerous other articles pertaining to refunding of "nonrefundable" bonds. Also counsel for the Investors in the subsequently-filed related case of *The May Department Stores Co., et al. v. The Employees' Retirement System of Alabama, et al.*, 93 Civ. 879 (JSM), U. S. District Court, S.D.N.Y.

Drake, Knowles & Pierce Money Purchase Pension Plan, et al. v. Saliba, Reinhart, McLeod & Company, Inc., et al., CV-91-G-2473-W (N.D. Ala.) (Represented plaintiffs in action by law firm under ERISA and state securities laws against investment advisor for engaging in prohibited transactions, failure to diversify investments, failure to warn and to disclose fact of excessive risk of investment strategy, breach of suitability rules under Alabama Securities Act; settled for confidential sum).

Denson, et al. v. Bear, Stearns, et al., CV 92-H-363-S (N.D. Ala. 1992). Counsel for defendants. Plaintiff sued issuer, underwriter, and clearing broker for common law fraud, conversion, and violation of Racketeer Influenced and Corrupt Organizations Act in connection with underwriter's cancellation of plaintiffs' orders to purchase securities which were unregistered in plaintiffs' state of residence; RICO and conversion claims dismissed; summary judgment entered for defendants on all other counts; opinion affirmed by Alabama Supreme Court, *Denson, et al. v. Bear, Stearns, et al.*, 682 So.2d 69 (Ala. 1995).

Jones v. FSC Securities Corporation, et al., CV 92-7398 (Circuit Court of Jefferson County, Alabama) (Counsel for plaintiff in fraud, suitability and breach of fiduciary duty case) (settled for substantial percentage of loss).

Walker v. Buttonwood Securities, Inc., et al., CV-97-TMP-45-NE (N.D. Ala.) (Represent one defendant in securities fraud case alleging non-registration, fraud, breach of fiduciary duty; settled through mediation).

Crowe v. DB Alex. Brown & Co., et al., Cause No. 03-CV-113B (Circuit Ct. of Lauderdale County, Mississippi) (Appearing pro hac vice to represent plaintiff alleging breach of fiduciary duty, excessive trading, violation of state securities laws).

E. Other Litigation

In re Vioxx Products Liability Litigation, MDL 1657 (E.D. Louisiana) (represented clients with various injuries related to use of Vioxx; settled globally in MDL).

Cameron v. American Home Products, Inc., N.D. Ala. (MDL 1203, IN RE: DIET DRUGS (Phentermine/:Fenfluramine/Dexfenfluramine) PRODUCTS LIABILITY LITIGATION) (Counsel for patient prescribed the “fen/phen” combination of anorectic drugs) (settled for confidential sum).

KinderCare Learning Centers, Inc. v. NEC Technologies, Inc., Inacom, Inc., and Citation Business Systems, Inc., CV92-3282 (Circuit Court of Jefferson County, Alabama) (Counsel for local NEC dealer in breach of contract and fraud action involving the sale of 1200 NEC Powermate 286 computers and peripheral equipment to KinderCare; settled for nominal sum from client).

American Family Care Inc., et al. v. Irwin, CV 86-502-180-JDC (Circuit Court of Jefferson County, Alabama); *Irwin v. Blake, et al.*, CV 90-7671-JDC (Circuit Court of Jefferson County, Alabama); *Blake, et al. v. American Family Care, Inc., et al.*, Case No. 1901811 (Alabama Supreme Court);

James D. Blake, et al. v. D. Bruce Irwin and American Family Care, Inc., CV 92-5158 (Related cases in which parties, physicians who were former partners in medical clinics, filed claims for, *inter alia*, breach of fiduciary duty; structured settlement for client).

Baker v. Board of Trustees, et al., CV 95-1180 (Circuit Court of Tuscaloosa County) (defendants’ motion for summary judgment granted); represented Triton Enterprises, LLC, one of several defendants including the University of Alabama Board of Trustees in a case in which plaintiff alleged the University’s investment in a health maintenance organization was unconstitutional.

State of Alabama v. Robert Lee Davis, Jr., CC-98-2137 (appointed co-counsel for capital murder defendant; defendant accused of double murder; tried to jury verdict; not guilty verdict on capital murder counts; defendant found guilty of one count of manslaughter and one count of non-capital murder).

State of Alabama v. Richard Earl Sims (CC-01-308) (appointed co-counsel for capital murder defendant) (guilty plea to lesser-included offense).